

REMARKS

Claims 1-28 are pending in this application. By this Amendment, claims 29-49 are cancelled, and claim 2 is amended. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

The Office Action objects to claim 2 due to minor informalities. Applicants have amended claim 2 to correct the minor informalities. Thus, Applicants request that the objection to claim 2 be withdrawn.

Claims 1-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Epstein (U.S. Patent No. 6,235,414 B1). Applicants respectfully traverse the rejection.

In particular, Epstein fails to disclose or suggest the organic light emitting device is in an annealed condition, as recited in independent claim 1. Instead, Epstein discloses a color-variable light emitting device capable of generating two independent colors and which has an active electroluminescent polymer. See Abstract of Epstein. However, Epstein's light emitting device is not in an annealed condition.

The Office Action asserts that claim 1 is a product-by-process claim and the particular process "in an annealed condition" has not been given patentable weight. Applicants respectfully disagree.

Specifically, a product-by-process claim is a product claim that defines the claim product in terms of the process by which it is made. See, for example, MPEP 2173.05 (P). However, claim 1 does not recite process steps that define the product. On the contrary, claim 1 recites a state or condition of the organic light emitting device, specifically, the organic light emitting device is in an annealed condition. To aid in the understanding of the claim language, Applicants make the following analogies. For example, "a screw that is tapped," "a pipe that is bent" cannot be construed as a product by process. Instead, the

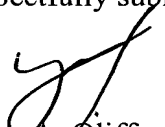
language defines a state or condition of the screw or the pipe. Accordingly, Applicants assert that claim 1 is not a product-by-process claim.

Furthermore, because Epstein fails to disclose or suggest an organic light emitting device that is in an annealed condition, Applicants respectfully submit that independent claim 1 defines patentable subject matter. Claims 2-28 depend from independent claim 1, and therefore also define patentable subject matter. Accordingly, Applicants request that the objection and the rejection under 35 U.S.C. §102(e) be withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 - 28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,


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Attachment:
Appendix

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